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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,735	09/26/2003	Charles G. Cooke	20579.02	6640

7590

02/13/2004

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EXAMINER

MORAN, KATHERINE M

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,735

Applicant(s)

COOKE, CHARLES G.

Examiner

Katherine M Moran

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02102004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The listing of Flick (Sheet 1 of 1) incorrectly noted the patent number as 5,56,394. This number has been changed to 5,566,394.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (U.S. 5,566,394) in view of Dresdner, Jr. (Dresdner, U.S. 5,357,636). Flick discloses the invention substantially as claimed. Flick teaches a scent-free, ambidextrous (col.6, lines 20-22), textured latex glove 30 with an exterior surface and comprising a single layer of latex forming a cuff portion 12, a palm portion 42, a thumb 36 and four fingers 34 defining each glove. The layer of latex inherently protects a wearer of the glove from emanating human scent, from leaving a scent on objects touched by the glove, and from contacting dangerous bacteria, viruses, and biological hazardous materials with the gloved hand. Applicant's specification does not point to the use of a latex material with any specific properties which would differentiate the latex material used in Applicant's invention from that of the prior art. Therefore, Flick's latex glove protects a wearer from emanating a human scent to the degree that Applicant's latex glove performs this function. However, Flick does not teach a glove with a base color and randomly sized and shaped patches

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of accessory colors other than the base color coated on the exterior surface and defining a camouflage pattern. Flick also does not teach indicia on the glove's exterior surface. Dresdner '636 teaches a glove which may include a camouflage pattern (col.34, lines 9-12, 23-27). It is well known in the art that camouflage patterns include a base color with randomly sized and shaped patches of accessory colors which are suited to blend into a natural environment. The pattern inherently provides texture to the glove's exterior surface and provides an opaque quality to the glove. Printing indicia may accompany the coloration or may appear on the glove wall (col.4, lines 34-37). Therefore, it would have been obvious to one of ordinary skill in the art to provide the glove of Flick with the camouflage pattern or indicia on the exterior surface, as taught by Dresdner, in order to give the glove a more pleasant or interesting appearance to achieve a desired aesthetic effect and to distract or amuse a person being treated or handled by the glove wearer.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki et al. (U.S. 4,783,857) and Turner-Antonsen (U.S. 6,643,846) teach relevant prior art.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (703) 305-0452. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (703) 305-1025. The official and after final fax number for the organization where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (703) 308-1148.

Kmm

February 10, 2004

A handwritten signature in black ink, appearing to read "K Moran", with a stylized, cursive script.

Katherine Moran

Primary Examiner, AU 3765